

# House File 775 - Reprinted

HOUSE FILE 775  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 78)

(As Amended and Passed by the House March 23, 2021)

## A BILL FOR

1 An Act concerning unauthorized entry or access, including  
2 placement or use of a camera or electronic surveillance  
3 device while trespassing, unauthorized gathering of samples  
4 of certain materials relating to animals and animal feeding  
5 operations, and providing penalties.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   716.14   Unauthorized sampling.

2     1.   As used in this section, unless the context otherwise  
3 requires:

4     *a.   "Agricultural animal"* means an animal belonging to  
5 the bovine, caprine, equine, ovine, or porcine species; farm  
6 deer as defined in section 170.1; ostriches, rheas, and emus;  
7 turkeys, chickens, domestic geese or ducks, or other domestic  
8 fowl; fish or other aquatic organisms confined in private  
9 waters for human consumption; or honey bees.

10    *b.   "Agricultural crop"* means a plant produced for food,  
11 animal feed, fiber, oil, or fuel if the plant is classified as  
12 a forage or cereal plant, including but not limited to alfalfa,  
13 barley, buckwheat, corn, flax, forage, hemp as defined in  
14 section 204.2, millet, oats, popcorn, rye, sorghum, soybeans,  
15 sunflowers, wheat, and grasses used for forage or silage. A  
16 plant which is a noxious weed pursuant to section 317.1A shall  
17 not be considered not an agricultural crop unless the plant is  
18 produced as a research crop.

19    *c.   (1) "Convicted"* means the entry of a judgment of  
20 conviction under chapter 901 or adjudicated delinquent for an  
21 act which is an indictable offense in this state or in another  
22 state under chapter 232.

23    *(2) "Convicted"* does not mean a plea, sentence,  
24 adjudication, deferred sentence, or deferred judgment which has  
25 been reversed or otherwise set aside.

26    2.   A person commits unauthorized sampling, if the person  
27 knowingly enters private property, without consent of the owner  
28 or any other person having real or apparent authority to grant  
29 consent, and obtains samples of any of the following:

30    *a.   Bodily fluids or substances from an agricultural animal.*

31    *b.   Any product from an agricultural animal.*

32    *c.   Soil, air, surface water, or ground water from land or*  
33 *structures used for the production of an agricultural animal or*  
34 *the production of an agricultural crop.*

35    3.   A person who commits unauthorized sampling as provided in

1 subsection 2 is guilty of an aggravated misdemeanor.

2 4. Notwithstanding subsection 3, a person who commits  
3 unauthorized sampling as provided in subsection 2 is guilty of  
4 a class "D" felony if the person has previously been convicted  
5 of committing unauthorized sampling under subsection 2.

6 Sec. 2. NEW SECTION. **727.8A Cameras or electronic**  
7 **surveillance devices — trespass.**

8 A person committing a trespass as defined in section  
9 716.7 who knowingly places or uses a camera or electronic  
10 surveillance device that transmits or records images or data  
11 while the device is on the trespassed property commits an  
12 aggravated misdemeanor for a first offense and a class D felony  
13 for a second or subsequent offense.